

Serial Number 10/540,778

REMARKS

In view of the preceding amendments and the following remarks, Applicants respectfully request the Examiner to reconsider the patent application identified above and withdraw the present rejection. Claims 1, 4, 6 and 7 are pending in the present application, all of which stand currently rejected.

Claims:

The Examiner objected to Claims 6 and 7 because of the following informality: the recitation "internal space" should be replaced with "internal spaces". Applicants have amended the claims accordingly.

35 U.S.C. §102 or §103:

The Examiner rejected Claims 1, 4, 6 and 7 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Dulebohn (U.S. 5,171,314).

Applicants respectfully submit that the cited references fail to teach or suggest the present invention, as recited in the claims.

Applicants continue to argue that the cited references fail to disclose a surgical device having flexibility like a catheter. The Examiner stated the "Dulebohn discloses ... a flexible shaft", and that "the tip must be flexible since [it] is used inside a body." With respect, Dulebohn discloses a *surgical snare*, and surgical devices contemplate the body being cut open, so they do not need to be flexible. In contrast, the shaft of the present filter retrieval system must be flexible to follow body passageways, *without* needing surgical access.

Applicants continue to assert that the "snare" of Dulebohn cannot be *pulled* into "a range of positions, including the position of the opening and the positions of the first and second

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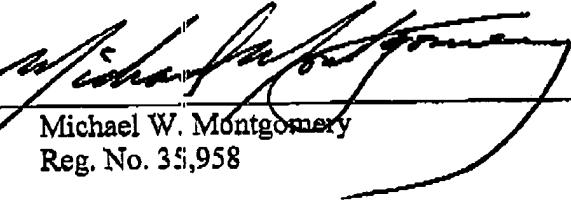
internal spaces". The Examiner points to Figure 15 of Dulebohn, but the "loop end 66" cannot be pulled into any space inside the shaft that is distal of the "side-opening 64".

Applicants submit that the present invention distinguishes the cited references, for the reasons set forth above. Accordingly, Applicants respectfully request the Examiner to allow the present application.

Respectfully submitted,  
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